

City of Willoughby Hills

Regular Council Meeting

Minutes of July 25, 2013

All Council Meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened whenever possible.

Meeting Called to Order at 7:00 p.m. by President David A. Reichelt

Pledge of Allegiance

Roll Call of Council

Members Present: Councilman Frank A. Germano, Councilman Kevin D. Malecek, President David A. Reichelt, Councilman Raymond C. Somich, Councilman Christopher L. Biro, Councilman David M. Fiebig

Absent: Vice President Nancy E. Fellows

Also Present: Mayor Robert M. Weger, Law Director Thomas G. Lobe, Finance Director Frank J. Brichacek, Jr., City Engineer Pietro A. DiFranco, Clerk of Council Victoria Ann Savage

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Biro to excuse Vice President Nancy E. Fellows from the Regular Council Meeting of July 25, 2013.

Roll Call: 6 AYES- unanimous **MOTION PASSES**

President Reichelt declared that Vice President Nancy E. Fellows has been excused from the Regular Council Meeting of July 15, 2013.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Biro to appoint Councilman Kevin D. Malecek to serve as Vice President of Council, Pro-tem for the Regular Council Meeting of July 25, 2013.

Roll Call: Germano-yes, Malecek-abstain, Reichelt-yes, Somich-yes, Biro-yes, Fiebig-yes

MOTION PASSES: 5-AYES/1-Abstention

President Reichelt declared that Councilman Malecek will serve as Vice President Pro-tem for the Regular Council Meeting of July 25, 2013

President Reichelt stated that he would entertain a Motion of Council to add Ordinance No. 2013-38 to tonight's agenda.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to add Ordinance No. 2013-38 to the Agenda for the Regular Council Meeting of July 25, 2013.

Roll Call: 6 AYES- unanimous **MOTION PASSES**

President Reichelt declared that Ordinance No. 2013-38 is now on the Agenda for the Regular Council Meeting of July 25, 2013.

Disposition of the Journal Regular Council Meeting of June 13, 2013

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of June 13, 2013 as submitted.

Roll Call: 6-AYES **MOTION PASSES**

President Reichelt declared that the Regular Council Meeting Minutes of June 13, 2013 have been approved as submitted.

CORRESPONDENCE

City Engineer's Report dated July 18, 2013 (Emailed: July 9, 2013)

Department of Commerce/Division of Liquor Control – Permit Renewal Objections (Emailed: July 23, 2013)

NOTIFICATIONS

Planning & Zoning Commission and Architectural Board of Review Meeting of July 18, 2013 (Emailed: July 16, 2013)

Rules and Legislation Committee Meeting of July 22, 2013 (Emailed: July 19, 2013)

MINUTES

Planning & Zoning Commission and Architectural Board of Review Meeting of June 20, 2013 - posted on the City's Website as of July 22, 2013

MAYOR'S REPORT – Robert M. Weger

Work on Maple Grove Road is going well. Anticipated end date is August 15th

New Business to replace Godfather's Pizza is in the works – Pranzo! Opening "Wine Bar" and Pizza type-setting coming soon

Fall 2013 City Newsletter now available on line and will be mailed out as soon as it comes back from printer.

Special article highlighting the accomplishments by council President Dave Reichelt to the City

Grange has been sided by R.M. Construction – Set for another 100 years! Thanks to Tom Majeski and Bob Bartolotta for their assistance with the Project

Captains Day was successful – Thanks to all who attended

Thanks to Council and Council Clerk – look forward to a well-deserved Council Recess in August

Acknowledgements

Condolences to The Lanese Family on the death of Thomas Lanese of Hunters Woods

Events

Corn Fest 2013 – August 17th and 18th

Color Run – September 21

LAW DIRECTOR'S REPORT – Thomas G. Lobe

Requested that the Members of Council Waive the Two-Day Notification for Ordinance No. 2013-38; Explained process involved in the creation of the Ordinance – Intent was to address any and all concerns with this legislation.

FINANCE DIRECTOR'S REPORT – Frank J. Brichacek, Jr.

No formal report was given

CITY ENGINEER'S REPORT – Pietro A. DiFranco, P.E.

This afternoon, Assistant City Engineer Dan Collins met with Mr. Knecht along with several of his neighbors – regarding the culvert collapse causing serve flooding on Eddy Road. The City is still waiting to wrap up a couple of Purchase Orders with the County before they will officially authorize the City to proceed with the Kencht/O'Brien Culvert Project.

Lamplight Flooding on City Engineer's Agenda – Engineering Firm acquainting itself with the City

Rosewood – Quotes from Contractors Requested

President Reichelt stated that there are certainly a lot of Storm Water Issues and this year, of course, there has been more; however, Lamplight Lane is one that is probably one of the oldest one, in his memory, and he is very anxious to see the City make some progress on it.

Law Director Lobe commented that he just today met with the Law Director for the City of Wickliffe, who is dealing with the same thing, flood issues, and Director Lobe stated that he is trying to match what the City of Wickliffe is doing so that he can obtain some ideas in how to address some of these things. Director Lobe wanted the Members to know that he is meeting with the Law Director for the City of Wickliffe on a comparable issue in the same area, and he will report back accordingly.

COMMITTEE REPORTS

President Reichelt asked if there were any Committee Chairs who would like to provide a report.

Committees Reports have been listed alphabetically.

PLANNING AND ZONING COMMITTEE – David M. Fiebig, Chair

Committee Members: Nancy E. Fellows, Frank A. Germano

Councilman Fiebig, serving as the Council Representative on the Planning and Zoning Commission, wanted to report that he does have copies of the recently approved, Preliminary Plans of the Clover Development, if any Council Member would like to see some of the plans he did bring them tonight so they are available for viewing.

RULES & LEGISLATION – David A. Reichelt, Chair

Committee Members: Nancy E. Fellows, Kevin D. Malecek

COMMITTEE MEETING OF JULY 22, 2013

Members Present: President David A. Reichelt, Chair, Councilwoman Nancy E. Fellows, Councilman Kevin D. Malecek

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Raymond C. Somich, Law Director Lobe, Mayor Robert M. Weger

Purpose of the Meeting was to discuss **Pending Legislation** and any other business.

Meeting convened at 6:45pm

Order of Business

Ordinance No. 2013-36 – Acceptance of the Bid of Phil Miller Construction, Inc for the Gatsby-Kristin Pavement Improvements Project.

It was the consensus of the Committee to recommend adoption of the Ordinance at the Regular Council Meeting of July 25, 2013.

Ordinance No. 2013-37 – Rebalancing of the Budget to reflect the income that the City is deriving from Grants for Public Safety Equipment for the Fire Department.

It was the consensus of the Committee to recommend adoption of the Ordinance at the Regular Council Meeting of July 25, 2013

Ordinance No. 2013-38 – Granting proposed property owner(s) of 35100 Chardon Road the same Tap-In Fee Discount as to owners of property located within the Euclid Creek Tributary Interceptor Sewer System. The Ordinance was discussed and there were some recommended changes made to the Ordinance and at the time of the meeting, **it was the consensus of the Committee to recommend adoption of the Ordinance, with the inclusion of the language which has been included since then.**

Public Portion

Public Portion was opened at 7:23pm and heard questions pertaining to the method of calculation, which of course, was subsequently addressed and the Safety of pedestrians on private property at the Shops of Willoughby Hills.

Public Portion was closed at 7:31pm

The Mayor gave a brief update on the rain and flood situation, especially in light of our recent damage last week, and the City is tabulating a list and requesting help from the Lake County Stormwater Management Agency.

Meeting adjourned at 7:37pm

The Law Director commented that he did met with Steve Roszczyk, Economic Development Director and informed of him about the safety concerns pertaining to the Shops of Willoughby Hills.

OTHER COUNCIL REPRESENTATIVE REPORTS

There were no other Council Representative Reports brought forth by any of the Members

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies of the Codified Ordinances of the City of Willoughby Hills:

(a) All meetings of any municipal body are declared to be public meetings open to the public at all times. All meetings shall provide a reasonable opportunity to hear public opinion.

Public Portion was opened at 7:20pm

1. Tanya Draper Taylor – President of the Board of Stratford Home Owner's Association
2909 Stratford Place
 - (1) Flooding Issues that have had to be endured since homes were built; Spoke with both the Builder and the City Building Inspector, looking for help from the City to help residents address the flooding issues
 - (2) Illegal Dumping by Wet Lands by residents of Emerald Lakes – Does the City have a code regulating illegal dumping, requested that the City inspect the area

Public Portion was closed at 7:24pm

UNFINISHED BUSINESS

The Law Director addressed some of Ms. Draper's concerns. The Law Director requested that Ms. Draper contact him direct on his cell number, 440-725-5410. This Administration and this Council absolutely allow the Law Director to meet with residents when there is a reasonable concern. The Law Director, upon receiving multiple emails, sent out Building Commission Fred Wyss to investigate these particular matters. The Law director also stated that if Ms. Draper sets up a meeting with a representative from Ryan Homes, he will gladly attend and he will have the City Engineer and at minimum the City's Building Department. The Law Director stated that the City Code is compliant-driven; it is enforced upon compliant, it becomes a public record. The Law Director then outlined how the code is enforced. The Law Director requested the legal representative for the Home Owner's Association contact him direct. The Law Director stated that the issues pertaining to wetlands are primarily controlled by Lake County through the Lake County Soil and Water and the Lake County Health District; however, the City does have some concurrent jurisdiction, the City does not have primary jurisdiction. The City has concurrent jurisdiction, usually lesser control and power but the City can work with them. The Law Director has and again gave Ms. Draper his email address, tomlobe@yahoo.com The Law Director offers to meet and promises that he will get the right parties at the right time for these particular issues. The Law Director wants to open the door to communication; it is the most that the City can offer at this time.

President Reichelt stated that the County was responsible for some of the inspections because some of the units were considered commercial properties.

The Law Director stated that there are a lot of facts that need to be weeded-out; so lets get to the facts.

Councilman Somich stated that he has been the Council Representative in that District for 10 years and this is the first time that anyone has informed him that there has been flooding those homes. The Home Owners Association for Stratford Place has never contacted him. Councilman Somich stated that his contact information is public knowledge; it is in the WH Newsletter, on the City Website. Councilman Somich would like to be the Home Owners Association Advocate and help in any way that his can.

LEGISLATION

ORDINANCE NO. 2013-36

AN ORDINANCE ACCEPTING THE BID OF PHIL MILLER CONSTRUCTION, INC. OF MIDDLEFIELD, OHIO FOR THE GATSBY-KRISTIN PAVEMENT IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2013-36.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-36 has been suspended.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Fiebig to adopt Ordinance No. 2013-36.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-36 has been adopted.

ORDINANCE NO. 2013-37

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-13 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2013-37.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-37 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Biro to adopt Ordinance No. 2013-37.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-37 has been adopted.

ORDINANCE NO. 2013-38

AN ORDINANCE GRANTING THE PROPOSED PROPERTY OWNER(S) OF PERMANENT PARCELS #31-A-004-0-00-025-0, & #31-A-004-0-00-024-0, PROPERTY ADDRESS OF 35100 CHARDON ROAD, #100, THE SAME TAP-IN FEE DISCOUNT AS TO OWNERS OF PROPERTY LOCATED WITHIN THE EUCLID CREEK TRIBUTARY INTERCEPTOR SEWER SYSTEM.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Two Day Notification Rule for Ordinance No. 2013-38.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Two Day Notification Rule for Ordinance No. 2013-38 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Somich to suspend the Three Reading Rule for Ordinance No. 2013-38.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-38 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adopt Ordinance No. 2013-38.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-38 has been adopted.

NEW BUSINESS

There was no new business brought forth to be considered by the Members of Council

FOR THE GOOD OF THE ORDER

Councilman Reichelt:

Corn Fest and Touch-A-Truck, two of the City's premier events will be held on Saturday, August 17th and Sunday, August 18th

Councilman Somich:

WH Corn Fest Run which starts at the Cleveland Clinic on Sunday Morning. In association with the WH Animal Hospital there will be some special activities for pets during the Corn Fest.

Lake County Fair Week – Veteran's Day to be held on August 14th - 60th Anniversary since the Korean War Armistice and the 30th Anniversary of the ending of the Vietnam War – Special Programming honoring the Military

Senior Day at the Fair will be held on Friday, August 16th Free Admission for Seniors 60 years and over – Entertainment and Free Lunch will be available only by prearrangement. Information available through the Lake County Fair Website and the Lake County Council Website

Law Director:

Color Run to be held on September 21st – Great Event

Will have 10,000 runners – encourages everyone to come out and experience this event. Great benefit to the City.

Councilman Somich added that this year, the run will not be affecting Bishop Road as much, the route has been changed – residents located in the Bishop Park Apartments will be less affected by the event due to the re-routing which will take the run off of Bishop Road.

President Reichelt:

WH Annual Flea Market to be held on Saturday, August 10th at 9:00am right here behind City Hall – Rain Date scheduled for Sunday, August 11th – Please contact the City's Recreation Department; more information may be obtained through the City's Website

ADJOURNMENT

President Reichelt announced that Council will not be meeting during the Month of August. Council will be adjourned for the Summer Break. The next Regular Council Meeting is scheduled for September 12, 2013.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adjourn the meeting until the next Regular Council Meeting scheduled for September 12, 2013.


Roll Call: 6 AYES - unanimous

MOTION PASSES

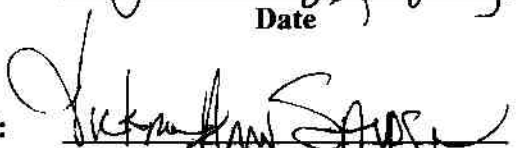
President Reichelt declared the Regular Council Meeting of July 25, 2013 to be adjourned at 7:44pm

APPROVED:


Date


David A. Reichelt
President of Council

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council